

petitioner. The decision to ask for an EA takes into consideration the agency's assessment of this issue as part of its previous action to affirm partially hydrogenated menhaden oil and hydrogenated menhaden oil as GRAS (54 FR 38219). The agency also has information indicating that the market for menhaden oil as a component of margarine is large, approximately 40 million pounds per year.

Based on information in the petitioner's EA submitted for the current action and on the agency's analysis of the reports on the menhaden fisheries issued subsequent to FDA approval of GRASP 6G0316 (54 FR 38219), FDA has concluded that the proposed action will not have a significant impact on the menhaden fishery. Amending the margarine standard of identity will not increase the volume of crude menhaden oil that is produced. The only change will be that crude menhaden oil will more often be retained in the United States for further processing into food grade products, instead of being shipped to Europe and elsewhere for this same use.

FDA has carefully considered the potential environmental effects of this action, including the effects on the menhaden fishery, and has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact, and the evidence supporting that finding, which includes the petitioner's environmental assessment, the finding of no significant impact for FDA's approval of GRASP 6G0316 (54 FR 38219), and a copy of "National Marine Fisheries Service Final Purse-seine Landings of Gulf and Atlantic Menhaden in the 1990 and 1991 Fishing Seasons" may be seen at the Dockets Management Branch (address above).

#### List of Subjects in 21 CFR Part 166

Food grades and standards, Food labeling, Margarine.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, it is proposed that 21 CFR part 166 be amended as follows:

#### PART 166—MARGARINE

1. The authority citation for 21 CFR part 166 is revised to read as follows:

Authority: Secs. 201, 401, 403, 407, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 347, 348, 371, 379e).

2. Section 166.110 is amended by adding new paragraph headings for paragraphs (a) and (c), by revising paragraph (a)(1), and in paragraphs (b) and (d) the paragraph headings "Optional ingredients" and "Label declaration", respectively, are italicized to read as follows:

#### § 166.110 Margarine.

(a) *Description.* \* \* \*

(1) Edible fats and/or oils, or mixtures of these, whose origin is vegetable or rendered animal carcass fats, or any form of oil from a marine species that has been affirmed as GRAS or listed as a food additive for this use, any or all of which may have been subjected to an accepted process of physico-chemical modification. They may contain small amounts of other lipids, such as phosphatides or unsaponifiable constituents, and of free fatty acids naturally present in the fat or oil.

\* \* \* \* \*

(b) *Optional ingredients.* \* \* \*

\* \* \* \* \*

(c) *Nomenclature.* \* \* \*

(d) *Label declaration.* \* \* \*

Dated: July 22, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

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## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Parts 216 and 218

RIN 1010-AB82

#### Amendment of Regulations Governing Assessments for Incorrect Reports

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The Minerals Management Service (MMS) is proposing to amend its Royalty Management Program (RMP) regulations governing assessments for incorrect reports submitted by royalty payors, lease operators, lessees, or other parties. The proposed amendments would add an assessment, in the same amount that is currently applied to incorrect reports received by the designated due date, to incorrect reports that are received late. The rule would provide consistency in MMS' practice for incorrect reporting assessments.

**DATES:** Written comments must be received on or before September 16, 1993.

**ADDRESSES:** Written comments regarding the proposed rule should be mailed or delivered to the Minerals Management Service, Royalty Management Program, Rules and Procedure Branch, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 3901, Denver, Colorado 80225-0165, Attention: David S. Guzy.

**FOR FURTHER INFORMATION CONTACT:** David S. Guzy, Chief, Rules and Procedures Staff, (303) 231-3432.

**SUPPLEMENTARY INFORMATION:** The principal authors of this rule are Philip Wilson of the Reports and Payments Division and David Steiber of the Division of Verification, RMP, MMS, Lakewood, Colorado.

#### I. Background

Paragraphs 30 CFR 216.40(b) and 218.40(b) of title 30 of the Code of Federal Regulations (30 CFR) authorize MMS to assess an amount not to exceed \$10 for each report received by the designated due date for that report but which is incorrectly completed. The reports subject to this assessment are required to be submitted to MMS by royalty payors, lease operators, lessees or other parties in accordance with statutes, regulations, contracts, orders or terms of Federal or Indian mineral leases. The purpose of this assessment is to compensate the Government for administrative costs incurred as a result of researching and resolving reporting errors so that the report can be accepted and processed through the MMS' automated Production Accounting and Audity System or Auditing and Financial System. Under § 216.40 (c) and (d), a report is defined as each line item on a Monthly Report of Operations (Form MMS-3160), Oil and Gas Operations Report (Form MMS-4054), Gas Analysis Report (Form MMS-4055), Gas Plant Operations Report (Form MMS-4056), Production Allocation Schedule Report (Form MMS-4058), Solid Minerals Operations Report (Form MMS-4059), and Solid Minerals Facility Report (Form MMS-4060). Under § 218.40(c), a report is defined as each line item on a Report of Sales and Royalty Remittance (Form MMS-2014).

#### II. Discussion of Proposed Rule

Current MMS regulations provide for an assessment for incorrect reports received prior to the designated due date for that report. However, the administrative costs incurred by MMS to research and resolve reporting errors are identical whether the report is received timely or late. So that MMS may be compensated for all administrative costs incurred due to

reporting errors, MMS is proposing to amend § 216.40(b) and § 218.40(b) to include as assessable all reports that are submitted incorrectly, regardless of whether the report was received by the designated due date or was received late. Therefore, a report that is both late and incorrect would be subject to two assessments, one under § 216.40(a) or § 218.40(a) for being late and one under the amended subsection (b) for being incorrect.

The policy of the Department of the Interior (Department) is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule to the location identified in the ADDRESSES section of this preamble. Comments must be received on or before the day specified in the DATES section of this preamble.

#### Procedural Matters

##### *Executive Order 12291 and the Regulatory Flexibility Act*

The Department has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rulemaking would compensate the Government for administrative costs incurred as the result of reporting errors and provide for consistency in MMS' practice for incorrect reporting assessments.

##### *Executive Order 12630*

The Department certifies that this rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus a Takings Implication Assessment need not be prepared pursuant to Executive Order 12630, "Government Action and Interference with Constitutionally Protected Property Rights."

##### *Executive Order 12278*

The Department has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12278.

##### *Paperwork Reduction Act of 1980*

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

#### *National Environmental Policy Act of 1969*

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and a detailed statement pursuant to paragraph (2)(C) of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

#### List of Subjects

##### *30 CFR Part 216*

Coal, Continental shelf, Geothermal energy, Government contracts, Indian lands, Minerals royalties, Natural gas, Penalties, Petroleum, Public lands-mineral resources, and Reporting recordkeeping requirements.

##### *30 CFR Part 218*

Coal, Continental shelf, Electronic funds transfers, Geothermal energy, Government contracts, Indians-lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands-mineral resources, Reporting and recordkeeping requirements.

Dated: June 14, 1993.

**Bob Armstrong,**

*Assistant Secretary—Land and Minerals Management.*

For the reasons set out in the preamble, 30 CFR parts 216 and 218 are proposed to be amended as set forth below:

#### **PART 216—PRODUCTION ACCOUNTING**

1. The authority citation for part 216 is revised to read as follows:

**Authority:** 5 U.S.C. 301 et seq.; 25 U.S.C. 396 et seq.; 25 U.S.C. 396a et seq.; 25 U.S.C. 2101 et seq.; 30 U.S.C. 181 et seq.; 30 U.S.C. 351 et seq.; 30 U.S.C. 1001 et seq.; 30 U.S.C. 1701 et seq.; 31 U.S.C. 3716; 31 U.S.C. 3720A; 31 U.S.C. 9701; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. Paragraph (b) of § 216.40 is revised to read as follows:

**§ 216.40 Assessments for incorrect or late reports and failure to report**

(b) An assessment of an amount not to exceed \$10 may be charged for each report which is incorrectly completed.

#### **PART 218—COLLECTION OF ROYALTIES, RENTALS, BONUSES AND OTHER MONIES DUE THE FEDERAL GOVERNMENT**

(1) The authority citation for part 218 is revised to read as follows:

**Authority:** 5 U.S.C. 301 et seq.; 25 U.S.C. 396 et seq.; 25 U.S.C. 396a et seq.; 25 U.S.C. 2101 et seq.; 30 U.S.C. 181 et seq.; 30 U.S.C. 351 et seq.; 30 U.S.C. 1001 et seq.; 30 U.S.C. 1701 et seq.; 31 U.S.C. 3716; 31 U.S.C. 3720A; 31 U.S.C. 9701; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. Paragraph (b) of § 218.40 is revised to read as follows:

**§ 218.40 Assessments for incorrect or late reports and failure to report.**

(b) An assessment of an amount not to exceed \$10 may be charged for each report which is incorrectly completed.

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#### **30 CFR Part 218**

RIN 1010-AB74

#### **Collection of Royalties, Rentals, Bonuses, and Other Monies Due Under Federal and Indian Mineral Leases by Administrative Offset**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Royalty Management Program of the Minerals Management Service (MMS) is proposing to amend its regulations at 30 CFR part 218 to add a new provisions governing collection by administrative offset of royalties, rentals, bonuses, and other amounts due under Federal and Indian oil, gas, and other mineral leases. This rule would implement provisions of the Debt Collection Act of 1982.

**DATES:** Comments must be received on or before October 18, 1993.

**ADDRESSES:** Written comments regarding the proposed rule should be mailed or delivered to the Minerals Management Service, Royalty Management Program, Rules and Procedures Staff, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 3901, Denver, Colorado 80225-0165, Attention: David S. Guzy.

**FOR FURTHER INFORMATION CONTACT:** David S. Guzy, Chief, Rules and Procedures Staff, telephone (303) 231-3432.

**SUPPLEMENTARY INFORMATION:** The principal authors of this rulemaking are Geoffrey Heath and Peter J. Schaumburg, Office of the Solicitor, Washington, DC.

#### **I. Background**

The MMS administers over 25,000 producing leases for oil, natural gas, coal, other minerals, and geothermal